

### REMARKS

This responds to the Office Action dated June 16, 2008.

Claims 1, 8-11, 13, 24, 27 and 29 are amended, and claims 7 and 28 are canceled; as a result, claims 1-6, 8-27 and 29-30 are now pending in this application.

#### §103 Rejection of the Claims

Claims 1-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schrader et al. (U.S. Patent Application Publication No. 2002/0157099 A1) in view of Arai et al. (U.S. Patent No. 6,532,591).

Claim 1 recites in part:

*"broadcasting enhancement computer program code to a plurality of receiving units including said receiving unit wherein said code defines a data structure within a memory of said receiving units, provides a menu having a plurality of enhancement selections, associates an identifier with at least one enhancement selection of said plurality of enhancement selections, and enables said receiving unit to request for and acquire data using said identifier including requesting for said at least one enhancement selection of said plurality of enhancement selections to be included in another broadcast."*

(Emphasis Added.)

In rejecting claim 1, the Examiner alleged that Schrader discloses some of the limitations of claim 1 but fails to disclose broadcasting the enhancement computer program code. The Examiner, however, alleged that Arai discloses obtaining computer software through a broadcast along with television programming.

Although Applicant disagrees with the Examiner, claim 1 was amended with the limitation included in claims 7 and 8 to provide further clarification to claim 1.

One page 6 of the Office Action, the Examiner rejected claim 7 citing paragraph 40 of Schrader. However, paragraph 40 of Schrader discloses using a back channel to request for Internet services and to retrieve additional data from the Internet. This is contrary to the limitations of the amended claim 1 where the enhancement selection is broadcast.

Applicant submits that, at least for this reason, claim 1 and its dependent claims 2-6 and 8-12 are patentable over Schrader in view of Arai.

Applicant submits that, at least for the same reason above, independent claims 13, 24 and 27 and their corresponding dependent claims are also patentable over Schrader in view of Arai.

### CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 278-4059 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date

Sept 16, 2008

By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16 day of June, 2008.

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